

BILL ANALYSIS

H.B. 3508
By: Marchant
State Affairs
Committee Report (Amended)

BACKGROUND AND PURPOSE

The Texas Legislative Council is required by law (Section 323.007, Government Code) to carry out a complete nonsubstantive revision of the Texas statutes. The process involves reclassifying and rearranging the statutes in a more logical order, employing a numbering system and format that will accommodate later expansion of the law, eliminating repealed, invalid, duplicative, and other ineffective provisions, and improving the draftsmanship of the law, if practicable--all toward promoting the stated purpose of making the statutes "more accessible, understandable, and usable" without altering the sense, meaning, or effect of the law.

In 1965, the council adopted a long-range plan of compiling the law into codes arranged by general topics. This code is the first to systematically codify local laws according to topic, in this case those local laws concerning special districts.

The bill proposes a new Special District Local Laws Code composed of the following six titles:

- Title 1, General Provisions;
- Title 2, Environment and Sanitation;
- Title 3, Health;
- Title 4, Development and Improvement;
- Title 5, Transportation; and
- Title 6, Water and Wastewater.

The titles are divided into subtitles, chapters, subchapters, and sections. Sections are numbered decimally, and the number to the left of the decimal point is the same as the chapter number. Gaps in chapter and section numbering are for later expansion. The code is organized so that each district's local law is contained in a single, separate chapter, and to establish the structure of the code, council staff has selected at least one district to treat for each proposed subtitle (with a few exceptions).

The council's legal staff has taken meticulous care to ensure that no substantive change has been made in the laws and to preserve any ambiguity or interpretation that may exist in the current laws.

The staff has developed an extensive mailing list, and drafts of the proposed chapters have been distributed to interested persons, including state agencies and representatives of each district whose local law was selected for inclusion, for review and comment. The staff has studied submitted comments and suggestions and has taken action to satisfy any concerns expressed.

The proposed code is a nonsubstantive revision of Texas law. The substance of the law has not been altered. The sole purpose of the proposed code is to compile the local laws, arranged in a logical fashion, and rewrite them without altering their meaning or legal effect. If a particular source statute is ambiguous and the ambiguity cannot be resolved without a potential substantive effect, the ambiguity is preserved.

RULEMAKING AUTHORITY

This bill does not expressly delegate rulemaking authority to any state officer, department, agency, or

institution, but does codify that authority already delegated by previous law.

ANALYSIS

The bill proposes Titles 1-6, Special District Local Laws Code, which is a nonsubstantive revision of certain local laws concerning special districts organized by type of district. The bill revises local laws concerning certain hospital districts, certain development and improvement districts, a navigation district, and certain conservation and reclamation districts. The bill also includes conforming amendments to certain of these local laws as necessary to continue without substantive change provisions of law not codified as part of the code. In addition, the bill repeals the local laws revised in the bill as well as the portions of those local laws that have expired or that have been impliedly repealed. Finally, the bill includes a statement of the legislative intent to codify only, without substantive change.

EFFECTIVE DATE

The bill is to take effect April 1, 2005, in order to provide affected persons a complete legislative cycle to more closely review what the legislature has enacted.

EXPLANATION OF AMENDMENTS

Committee Amendment No. 1 amends Section 1002.251 of the proposed Special District Local Laws Code to make that section more closely follow the source law from which the section is derived. By more closely following the source law, an ambiguity will be retained in the law, and the section can be interpreted in a way consistent with the way in which the affected district currently interprets the law. The ambiguity relates to the length of time for which a bank serves as the district's depository.

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